REMARKS

Claims 2-6, 8-12, and 14-23 are in this application and are presented for consideration. By this amendment, Applicant has canceled withdrawn claim 7. Independent claim 8 has been revised to clarify features of the claimed combination. New claim 12 has been modified including features of now canceled claim 13. Claim 18 has been canceled and new claim 22 is submitted which includes further details as to the claimed combination.

The disclosure has been objected to because of informalities. Applicant has made the necessary corrections to the specification.

The drawings have been objected to because of a stated ambiguity. Applicant has proposed a new Figure 3 which shows the heating wires 1 with connected PTC resistors 3 forming conductive lines where these conductive lines are in parallel. Approval of the Figure is requested. No new matter has been added.

Claims 3, 4, 9, 10, 14, 16, 18, 19 and 21 have been objected to based on informalities. Applicant has made changes to the claims to address these issues.

Claims 3, 4, 10, 13, 14, 16, 18, 19 and 21 have been rejected as being indefinite. With regard to the original language of the specification, the Examiner is taking the position that this renders the claims indefinite. Applicant has made changes to the specification and claims to address this issue. However, with regard to the basic test for definiteness, Applicant notes that the person of ordinary skill in the art often will refer to connected wires as a wire and connected wires with a resistor as a wire (the resistor being in the overall resulting wire). Applicant acknowledges that the claim should be precise and it is believed that all issues as to this have been removed. Nevertheless, it is believed that the original specification and claims are readily understood by the person of ordinary skill in the art based on the standard usage including the possibility of several conductive elements being called a wire when in fact this is made up of discreet wire parts and other conductive parts (such as resistors). The disclosure is evidently clear with regard to a first conductive wire portion and a second conductive wire portion being electrically connected via an intervening (electrically connected) PTC resistor wherein this forms a conductive path or conductive line which is connected in parallel with other conductive paths or conductive lines to a power source 2. It is believed that although the original disclosure could be understood by the person of ordinary skill in the art based on such normal considerations as noted above, the revised specification is free of all issues and the points raised in the Office Action have now been resolved.

Claims 5, 6, 8, 9, 11, 12, 15, 17 and 20 have been rejected as being obvious based on the teachings of Salmon et al. (U.S. 6,673,007) in view of Beatenbough (U.S. 5,778,689) and further in view of CA2079947 (CA '947). The rejection is based on the position that Salmon et al. discloses sending measured values to a control unit and regulating a temperature above a dew point and Beatenbough discloses controlling heater wires based on a calculated dew point temperature. CA '947 is cited for showing traversing of a transparent hood with electrical heating wires for distributing heating through an interior space.

Salmon et al. and CA '947 present various teachings for heating an interior of an incubator hood. However, the references do not provide direction or incentive to select individual aspects and combine them to achieve the process as claimed. Salmon et al. provides few teachings or suggestions with regard to changing the power applied to the heating features 202 provided in the incubator hood itself. Of course the heating elements 408 are not on the incubator hood, and instead heat the region near the patient bed. Radiant elements 202 are on the cover (incubator hood) and directed toward the baby for heating the infant (as well as the interior space). In the region of these heating elements the hood is not transparent and is darkened or tinted. This is significant in the motivation of this reference to be combined with teachings such as the refrigerated doors of Beatenbough (discussed further below) which have heating elements exclusively for maintaining doors free of condensation and frost (in a refrigeration system). Such doors are transparent and have the function of allowing a visual inspection within the door. The heating provided by Salmon et al. using radiant elements 202 is not directly linked with the control of humidification. Instead, it is noted that by providing heat through this approach, condensation is prevented. This entails that the Salmon et al. heater, always heats above the dew point (preventing condensation). As such, whenever it is active, it is run at a level that prevents condensation. As such, the reference provides no suggestion of control and simply provides the teaching that radiant elements 202 presents the advantage that such use will prevent condensation from occurring. Salmon et al. alone, clearly fails to suggest the process steps of the claims, and in particular the use of such elements to provide controlled heating of the hood.

Beatenbough discloses a refrigeration system with transparent doors that incorporate heating elements or resistant wires 18 that heat a metal frame connected to the glass panes 14. Although Beatenbough is interested in maintaining the ability to view through the transparent doors, the heating elements are not used to heat the interior space (the interior space is refrigerated). One of the glass panes is provided with a coating of transparent electrically conductive layer for heating the surface of the glass. Such a coating scheme represents a different approach from the conductive lines of heating wires and temperature dependent electric resistors used on the process claimed.

Salmon et al. presents a different approach for a different problem as compared to Beatenbough. Salmon et al. is directed to a radiant warmer wherein a radiant element may be positioned at a top (non-transparent portion of hood) to direct heat downwardly toward the infant. Although it is indicated that such a disposition of heating elements has the further advantage if preventing condensation, Salmon et al. does not teach a process as claimed involving controlled heating of the incubator hood for both preventing heat loss from the interior space of the incubator as well as preventing condensation from forming on the interior surface of the incubator hood. As Beatenbough approaches a different problem, maintaining refrigerated door free of frost and condensation, the two references do not present a suggestion of practicing the process as claimed in claim 8.

CA '947 discloses the ability to heat an interior space (such as an incubator space) using flexible walls having electrical heating wires in them. This heating is somewhat similar to the heating proposed by Salmon et al. However, the two references together fail to present a suggestion of the process as claimed. Further, the Beatenbough reference teaching of pulsing energy to a film coating of a transparent door fails to suggest any process of controlling the application of heat to the incubator hood for applying heat above that which is needed to avoid condensation.

As the references as a whole teach different aspects of particular processes, the references together do not suggest the combination of features as claimed in claim 8. As such, Applicant respectfully requests the rejection of claim 8, particular in view of the clarification of the claim as now presented.

Claim 2 has been rejected as being obvious based on the teachings of the references noted above and further in view of Egle et al. (U.S. 2,813,960).

Egle et al. is cited for disclosing heating wires electrically connected in parallel in a glass panel.

Egle does not present suggestions or teachings which would direct the person of ordinary skill in the art to provide the process steps as claimed in claim 8. Salmon et al. simply notes that condensation can be prevented by heating the panel but fails to suggest the process steps of regulating the temperature using a power source to regulate the temperature of the incubator hood based on sensed information to form a dew point value. The use of parallel conductive lines for heating presents a means for effectively controlling the temperature of the incubator hood for both preventing heat loss (to provide a better overall incubator system) and for preventing condensation. The prior art as a whole fails to suggest these steps in combination and the use of parallel lines per se (Egle et al.) fails to provide suggestions of modifying a system as taught by Salmon et al. to provide the process as claimed. Accordingly, reconsideration is requested.

Claims 3, 4, 10, 13, 14, 16, 18, 19 and 21 have been rejected as being obvious based on Salmon et al., Beatenbough, CA '947 and further in view of DE 371 75 74 (DE '574).

Claim 3 as well as claims 10, revised claim 13 and new claim 22 highlight the important combination of the invention in presenting a process wherein heating of the incubator hood is provided so as to reduce heat loss from the incubator while also preventing condensation. Such a heating must take into account that there cannot be an overheating of the infant patient and that additional heating of the patient is usually provided by another means (such as a convective flow or radiant heat located near or under the patient bed). The claims noted above present a process wherein condensation can be limited and wherein effective control can be maintained to avoid overheating and to avoid significant problems which can be present in a heated incubator hood, which is not effectively controlled. Although DE '574 presents the concept of using PCT resistors in an arrangement for heating particular structures (car seats etc.) the references as a whole fail to present a system wherein an incubator hood is itself heated (both for the purposes of retaining heat within the incubator as well as stopping condensation from forming) and wherein there is a control of such heating based on sensed dew point information and wherein further any particular heating line (heating wires with resistor) is prevented from heating beyond a particular threshold, based on the nature of temperature dependent electric resistors (wherein the current passing through the resistors is limited based on temperature). Teachings such as Salmon et al., wherein radiant elements provided on a underside of an incubator hood prevent condensation at that location and Beatenbough fail to direct the person of ordinary skill in the art toward the process wherein the other references such as CA '947 and DE '574 fail to provide any direction to the person of ordinary skill in the art with regard to avoiding control problems. The references as a whole fail to direct the person of ordinary skill in the art toward the combination of features as claimed.

Applicant respectfully requests that the Examiner reconsider the rejections in view of the revised claims and in view of the discussion above.

Respectfully submitted
for Applicant,

By:
John James McGlew
Registration No. 31,903
McGLEW AND TUTTLE, P.C.

JJM:jj/jms/tf
Enclosed: Proposed drawing
71105.12

DATED: April 28, 2005
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

IN THE DRAWINGS:

Applicant attaches a proposed new Figure 3 which shows the heating wires 1 with connected PTC resistors 3 forming conductive lines where these conductive lines are in parallel. Approval of the Figure is requested. No new matter has been added.